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6 Attorney for Defendant
7 FRANK H. GOWANS, JR.

**UNITED STATES OF DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Case No.: 2:21-cr-00035-JAM-3

Plaintiff,

**STIPULATION AND ORDER RE
TEMPORARY RELEASE FOR
MEDICAL APPOINTMENT**

FRANK H. GOWANS, JR.,

Defendant.

STIPULATION

Pursuant to 18 U.S.C. § 3142(i), the defendant requests to be temporarily released from custody on April 7, 2022, to attend a medical appointment related to ongoing medical problems. The government has no opposition to this request.

Mr. Gowans is in pain and needs to have his left elbow replaced. He received a referral to a specialist last year but was unable to follow through with an appointment because of his arrest in this case. The pain has become more severe. Mr. Gowans' wife has secured three medical appointments previously, and has a medical appointment scheduled with a specialist on April 7 at 10:15 a.m. Mr. Gowans has been temporarily released previously with no issues.

1 Mr. Gowans is in custody at the Sacramento Main Jail. Because of traffic
2 conditions, the request is that he be temporarily released on April 7, 2022, sometime
3 between 7 a.m. and 8 a.m., to the custody of his wife, Renissa Gowans, and return to the
4 Sacramento County Main Jail no later than 8 p.m. on April 7, 2022. He would travel
5 between Sacramento County and Yolo County and possibly to Solano County for insurance
6 issues for the purpose of attending the doctor's appointment.

7 It is hereby stipulated and agreed between plaintiff, United States of America, and
8 defendant, Frank H. Gowans, Jr., through their attorneys, that Mr. Gowans may be
9 temporarily released from custody as set forth below to attend the doctor's appointment on
10 April 7, 2022.

11 The parties agree that the Court may order Mr. Gowans be temporarily released
12 sometime between 7 a.m. and 8 a.m. on April 7, 2022, with instructions that he return to
13 the Sacramento County Main Jail by 8:00 p.m. the same day. The parties request the Court
14 to direct the US Marshal Service to coordinate Mr. Gowans' release and surrender with the
15 jail as they see fit, within the time frame permitted above. Mr. Gowans has signed the
16 attached Notice to Defendant Being Released (modified to fit the conditions of this
17 temporary release) which defense counsel will submit to the Courtroom Deputy for filing
18 before April 7, 2022.

Respectfully submitted,

Date: April 4, 2022

/S/ David D. Fischer
DAVID D. FISCHER
Attorney for Defendant
FRANK H. GOWANS, JR.

Date: April 4, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ David D. Fischer for Jason Hitt
JASON HITT
Assistant United States Attorney

ORDER

Frank H. Gowans, Jr., is **ORDERED** temporarily released from custody sometime between 7:00 AM and 8:00 AM, on April 7, 2022, to Renissa Gowans, and Frank H. Gowans, Jr., is further **ORDERED** to surrender himself to the Sacramento County Main Jail by 8:00 PM, on April 7, 2022. The U.S. Marshal Service is **DIRECTED** to make necessary arrangements with Sacramento County Main Jail for Mr. Gowans's release and surrender. Mr. Gowans is **ORDERED** to sign the attached Notice to Defendant Being Released and file it with the Court before his release. All conditions set forth in that notice are hereby ordered.

IT IS SO ORDERED.

Dated: April 6, 2022

Carol H. Delaney

CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

FRANK HOWARD GOWANS, JR.,
Defendant.

CASE NUMBER: 2:21-cr-00035-JAM-3

**NOTICE TO DEFENDANT
BEING TEMPORARY RELEASED FOR
MEDICAL APPOINTMENT**

A. You are advised that you are being released pursuant to the "Bail Reform Act of 1984".

B. Conditions of Release

You are further advised that your release is subject to the following conditions in addition to any conditions contained in your Bond form:

1. That you shall appear on time at all proceedings as required and shall surrender for service of any sentence imposed as directed.
2. That you shall advise the court and your attorney prior to any change in address.
3. That you shall not commit any offense in violation of federal, state or local law while on release in this case.
4. Travel Restrictions: Click here to enter text.
5. Other Special Conditions: (See Attached)

C. Advice of Penalties and Sanctions

You are further advised that:

1. It is a criminal offense under Title 18 U.S.C. §3146, if, after having been released, the defendant knowingly fails to appear as required by the conditions of release or to surrender for the service of sentence pursuant to a court order. If the defendant was released in connection with a charge, or while awaiting sentence, surrender for the service of a sentence, or appeal or certiorari after conviction, for -
 - a. an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, the defendant shall be fined not more than \$250,000 or imprisoned for not more than ten years or both;
 - b. an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, the defendant shall be fined not more than \$250,000 or imprisoned for not more than five years or both;
 - c. any other felony, the defendant shall be fined not more than \$250,000 or imprisoned not more than two years or both; or
 - d. a misdemeanor, the defendant shall be fined not more than \$2,000 or imprisoned not more than one year, or both. If punishable by more than 6 months, the fine is not more than \$100,000.

A term of imprisonment imposed for failure to appear or surrender shall be consecutive to the sentence of imprisonment for any other offense. In addition, failure to appear may result in the forfeiture of any bail.

2. Conviction of an Offense Committed While on Release

Conviction of an offense committed while on release carries the following sentences which are in addition to the sentence prescribed for the offense and which must be consecutive to any other sentence:

- a. Not more than 10 years if the offense is a felony.
- b. Not more than one year if the offense is a misdemeanor.

3. Violation of Conditions of Release

Violation of any condition of your release may also result in arrest by a law enforcement officer and the immediate issuance of a warrant for your arrest, revocation of release and order of detention, and a prosecution for contempt which could result in a possible term of imprisonment and/or a fine.

4. Obstruction of Justice Crimes

It is an additional crime to:

- a. Endeavor by force or threat to influence, intimidate or impede a juror, officer of the court, or the administration of justice (Title 18 U.S.C. §1503) Penalty: 5 years and/or \$250,000.00
- b. Endeavor to obstruct, delay or prevent a criminal investigation (Title 18 U.S.C. §1510) Penalty: 5 years and/or \$250,000.00.
- c. Tamper with a witness, victim or informant (Title 18 U.S.C. §1512) Penalty: 10 years and/or \$250,000.00.
- d. Harass a witness, victim or informant (Title 18 U.S.C. §1512) Penalty: 1 year and/or \$100,000.00
- e. Retaliate against a witness, victim or informant (Title 18 U.S.C. §1513) Penalty: 10 years and/or \$250,000.00.

ACKNOWLEDGMENT OF DEFENDANT

I acknowledge that I am the defendant in the above-captioned case and that I am aware of and fully understand the above conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am also aware of and fully understand the penalties and sanctions set forth above for failure to appear, conviction of an offense committed while on release, violation of a condition of release, or any of the obstruction of justice crimes.

DEFENDANT'S SIGNATURE

(IF AN INTERPRETER IS USED)

I have translated the above conditions of release and Advice to Defendant and have been told by the defendant that he / she understands the conditions of release and advice.

INTERPRETER SIGNATURE